

**REMARKS****Restriction Requirement**

The Examiner has determined that the application claims three different inventions which are not so linked as to form a single general inventive concept because the “special technical feature” linking the claims is not novel.

**Group I:** claims 1-17, directed to microspheres for allergy therapy containing antigens and/or DNA of antigens; where the microspheres have a binding constant of at least  $1 \times 10^4 \text{ M}^{-1}$  toward a specific carbohydrate residue of intestinal and/or nasal epithelial cells;

**Group II:** claim 18<sup>1</sup>, directed to a method for producing microspheres for allergy therapy containing antigens and/or DNA of antigens; where the microspheres have a binding constant of at least  $1 \times 10^4 \text{ M}^{-1}$  toward a specific carbohydrate residue of intestinal and/or nasal epithelial cells; where the microspheres are first loaded with the antigens/DNA and then functionalized.

**Group III:** claim 19<sup>2</sup>, directed to a method of using microspheres containing antigens and/or DNA of antigens; where the microspheres have a binding constant of at least  $1 \times 10^4 \text{ M}^{-1}$  toward a specific carbohydrate residue of intestinal and/or nasal epithelial cells for allergy therapy

Applicant elects the claims of Group I, 1-17, for further prosecution without traverse. However, Applicant notes that the Examiner will rejoin claims to the methods of making and methods of use if the composition claims are found to be allowable and where the method claims also either depend from or require all the limitations of an allowable claim.

By this amendment, the claims have been amended for clarity. No new matter has been added.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and

---

<sup>1</sup> In the Office Action, the Examiner references “claim 34.” Because there is no claim 34 in the application, Applicant assumes the Examiner intended to apply the restriction requirement to claim 18.

<sup>2</sup> In the Office Action, the Examiner references “claim 35.” Because there is no claim 35 in the application, we assume the Examiner intended to apply the restriction requirement to claim 19.

1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 13-3250, reference number 37488.00800. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MILBANK, TWEED, HADLEY & McCLOY LLP**

August 23, 2010

By: 

Stephanie Amoroso  
Registration No. 51,401

**Customer No. 38647**

**MILBANK, TWEED, HADLEY & McCLOY LLP**

1850 K Street, N.W.  
Suite 1100  
Washington, DC 20006  
Tel. No. (202) 835-7525  
Fax No. (202) 835-7586